

REMARKS

The Office Action mailed March 7, 2005 has been received and reviewed. By the present Response and Amendment, Claims 4-6 and 12-14 are cancelled and Claims 1 and 16 are amended. No new matter is introduced. All claims are now believed to be in condition for allowance for the reasons set forth below.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1 stands rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by French Patent 2620164 of Goudron, U.S. Patent Application Publication Number 2002/0166727 of Cramer et al., and U.S. Patent Number 3,703,939 of Maxwell. As currently amended, Applicants submit that Claim 1 not anticipated by French Patent 2620164 to Goudron, U.S. Patent Application Publication Number 2002/0166727 of Cramer et al., or U.S. Patent Number 3,703,939 of Maxwell because none of these patents individually show all of the claimed features.

Moreover, Claim 1 is not obvious in light of any combination of these three references. Notably, Claims 4-6 and 12-14 were cancelled, and the majority of their features have been included in Claim 1. Additionally, the Examiner pointed to two other references, U.S. Patent No. 2,522,630 of Hutchinson and U.S. Patent No. 2,969,336 of Crozier to attempt to show the claimed invention. Applicants submit that there is no motivation in these references to combine several of these references to attempt to show the claimed invention. Moreover, the Examiner has not provided a suggestion or motivation or some other objective reason, to combine the teachings. Accordingly, Applicants request allowance of Claim 1.

Because dependent Claims 2-3, 7-11, and 15 include patentably distinct elements and limitations of their own and incorporate the limitations of Claim 1, these dependent claims are allowable for at least the reasons set forth above for the corresponding independent claim. Thus, Claims 2-3, 7-11, and 15 are also allowable. Accordingly, allowance of Claims 2-3, 7-11, and 15 is respectfully requested.

Claims 16 stands rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Number 3,703,939 of Maxwell. Applicants respectfully traverse this rejection. Nevertheless, to advance prosecution, Applicants have amended Claim 16 to more clearly define that the seat is “not attached to the tree or pole.” In the present application, the seat of the ladder engages the tree or pole, but the seat itself is not attached to the tree or pole. Maxwell does not teach a ladder having a seat not attached to a tree or pole. In fact, Maxwell teaches that a chain 45 attached to the seat extends about the trunk of a tree (Col 2., lines 47-52). Thus, Maxwell teaches away from the claimed invention because the seat of Maxwell is attached to the tree. Accordingly, Claim 16 is not anticipated by Maxwell, and Applicants respectfully request allowance of Claim 16.

Because dependent Claims 17-22 include patentably distinct elements and limitations of their own and incorporate the limitations of Claim 1, these dependent claims are allowable for at least the reasons set forth above for the corresponding independent claim. Thus, Claims 17-22 are also allowable. Accordingly, allowance of Claims 17-22 is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 10 and 11 were rejected by the Examiner as being unpatentable over Maxwell in view of U.S. Patent No. of 4,261,436 of Stillman, Jr. Applicants respectfully traverse this rejection.

Because dependent Claims 10 and 11 include patentably distinct elements and limitations of their own and incorporate the limitations of Claim 1, these dependent claims are allowable for at least the reasons set forth above for the corresponding independent claim. Thus, Claims 10 and 11 are also allowable. Accordingly, allowance of Claims 10 and 11 is respectfully requested.

Claim 21 was rejected by the Examiner as being unpatentable over Maxwell in view of Cramer et al. Applicants respectfully traverse this rejection.

Because dependent Claim 21 includes patentably distinct elements and limitations of its own and incorporates the limitations of Claim 16, this dependent claim is allowable for at least the reasons set forth above for the corresponding independent claim. Thus, Claim 21 is also allowable. Accordingly, allowance of Claim 21 is respectfully requested.

Claim 12 stood rejected by the Examiner as being unpatentable over Maxwell in view of Hutchinson, but this rejection is moot, as Claim 12 has been cancelled.

Claims 13 and 14 stood rejected by the Examiner as being unpatentable over Maxwell and Hutchinson and further in view of Crozier, but this rejection is moot, as Claims 13 and 14 have been cancelled.

Claim 8 was rejected by the Examiner as being unpatentable over either Cramer et al. or French Patent Number 2620164 of Goudron. Applicants respectfully traverse this rejection.

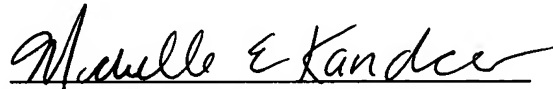
Because dependent Claim 8 includes patentably distinct elements and limitations of its own and incorporates the limitations of Claim 16, this dependent claim is allowable for at least the reasons set forth above for the corresponding independent claim. Thus, Claim 8 is also allowable. Accordingly, allowance of Claim 8 is respectfully requested.

Although the Office Action Summary indicates that Claims 1-22 have been rejected, the Examiner has not provided any specific grounds for rejecting Claims 17 and 18. Accordingly, Applicants respectfully request allowance of Claims 17 and 18, or if the Examiner believes he has grounds for rejecting Claims 17 and 18, then Applicants request the next Office Action be non-final.

CONCLUSION

In view of the amendments submitted herein and the above comments, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at 770.984.2300.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michelle E. Kandcer", written over a horizontal line.

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